

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

GORDON E. HANUSEK, M.D.

Case No. 800-2016-022312

**Physician's and Surgeon's
Certificate No. C 21915**

Respondent

DECISION AND ORDER

**The attached Stipulated Surrender of License and Order is hereby
adopted as the Decision and Order of the Medical Board of California,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on November 29, 2017.

IT IS SO ORDERED November 22, 2017.

MEDICAL BOARD OF CALIFORNIA

By:


**Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 REBECCA L. SMITH
Deputy Attorney General
4 State Bar No. 179733
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 269-6475
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7 *Attorneys for Complainant*

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9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2016-022312

12 GORDON E. HANUSEK, M.D.
13 14621 Nordhoff Street, Suite 2A
14 Panorama City, California 91402

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Physician's and Surgeon's Certificate
16 No. C 21915,

Respondent.

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19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical
23 Board of California ("Board"). She brought this action solely in her official capacity and is
24 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
25 Rebecca L. Smith, Deputy Attorney General.

26 2. Gordon E. Hanusek, M.D. ("Respondent") is represented in this proceeding by
27 attorney Brian H. Clausen, whose address is 15 West Carrillo Street, Suite 100, Santa Barbara,
28 California 93101.

3. On July 5, 1960, the Medical Board of California issued Physician's and Surgeon's Certificate No. C 21915 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-022312 and will expire on December 31, 2017, unless renewed.

JURISDICTION

4. Accusation No. 800-2016-022312 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2016-022312 is attached as Exhibit A and is incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2016-022312. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 8. Respondent does not contest that, at an administrative hearing, Complainant could
3 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
4 No. 800-2016-022312, agrees that cause exists for discipline and hereby surrenders Physician's
5 and Surgeon's Certificate No. C 21915 for the Board's formal acceptance.

6 9. Respondent understands that by signing this stipulation he enables the Board to issue
7 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
8 process.

9 **CONTINGENCY**

10 10. This stipulation shall be subject to approval by the Board. Respondent understands
11 and agrees that counsel for Complainant and the staff of the Medical Board of California may
12 communicate directly with the Board regarding this stipulation and surrender, without notice to or
13 participation by Respondent or his counsel. By signing the stipulation, Respondent understands
14 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the
15 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its
16 Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or
17 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
18 and the Board shall not be disqualified from further action by having considered this matter.

19 11. The parties understand and agree that Portable Document Format ("PDF") and
20 facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile
21 signatures thereto, shall have the same force and effect as the originals.

22 12. In consideration of the foregoing admissions and stipulations, the parties agree that
23 the Board may, without further notice or formal proceeding, issue and enter the following Order:

24 **ORDER**

25 **IT IS HEREBY ORDERED THAT** Physician's and Surgeon's Certificate No. C 21915,
26 issued to Respondent Gordon E. Hanusek, M.D., is surrendered and that surrender is accepted by
27 the Medical Board of California.

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1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2016-022312 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2016-022312 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE


I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Brian H. Clausen. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

GORDON E. HANUSEK, M.D.
Respondent

1 I have read and fully discussed with Respondent Gordon E. Hanusek, M.D. the terms and
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.
4

5 DATED: 11/8/17


6 BRIAN H. CLAUSEN
7 Attorney for Respondent
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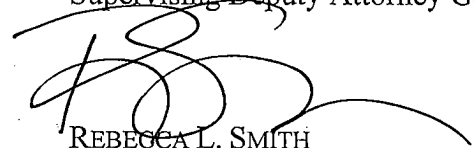
9 ENDORSEMENT

10 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
11 for consideration by the Medical Board of California of the Department of Consumer Affairs.

12 Dated: November 13, 2017

13 Respectfully submitted,

14 XAVIER BECERRA
15 Attorney General of California
16 ROBERT MCKIM BELL
17 Supervising Deputy Attorney General
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19 REBECCA L. SMITH
20 Deputy Attorney General
21 Attorneys for Complainant
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LA2017605588

EXHIBIT A

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 REBECCA L. SMITH
Deputy Attorney General
4 State Bar No. 179733
California Department of Justice
5 300 South Spring Street, Suite 1702
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO October 17 2017
BY: R. Voong ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2016-022312

13 GORDON E. HANUSEK, M.D.
14 14621 Nordhoff Street, Suite 2A
Panorama City, California 91402

A C C U S A T I O N

15 Physician's and Surgeon's Certificate
No. C 21915,

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer ("Complainant") brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California ("Board").

22 2. On July 5, 1960, the Board issued Physician's and Surgeon's Certificate Number C
23 21915 to Gordon E. Hanusek, M.D. ("Respondent"). That license was in full force and effect at
24 all times relevant to the charges brought herein and will expire on December 31, 2017, unless
25 renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 provisions of the California Business and Professions Code ("Code") unless otherwise indicated.

1 4. Section 2004 of the Code states:

2 “The board shall have the responsibility for the following:

3 “(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice
4 Act.

5 “(b) The administration and hearing of disciplinary actions.

6 “(c) Carrying out disciplinary actions appropriate to findings made by a panel or an
7 administrative law judge.

8 “(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of
9 disciplinary actions.

10 “(e) Reviewing the quality of medical practice carried out by physician and surgeon
11 certificate holders under the jurisdiction of the board.

12 “...”

13 5. Section 2227 of the Code states:

14 “(a) A licensee whose matter has been heard by an administrative law judge of the Medical
15 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default
16 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary
17 action with the board, may, in accordance with the provisions of this chapter:

18 “(1) Have his or her license revoked upon order of the board.

19 “(2) Have his or her right to practice suspended for a period not to exceed one year upon
20 order of the board.

21 “(3) Be placed on probation and be required to pay the costs of probation monitoring upon
22 order of the board.

23 “(4) Be publicly reprimanded by the board. The public reprimand may include a
24 requirement that the licensee complete relevant educational courses approved by the board.

25 “(5) Have any other action taken in relation to discipline as part of an order of probation, as
26 the board or an administrative law judge may deem proper.

27 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
28 review or advisory conferences, professional competency examinations, continuing education

1 activities, and cost reimbursement associated therewith that are agreed to with the board and
2 successfully completed by the licensee, or other matters made confidential or privileged by
3 existing law, is deemed public, and shall be made available to the public by the board pursuant to
4 Section 803.1.”

5 6. Section 822 of the Code states:

6 “If a licensing agency determines that its licentiate’s ability to practice his or her
7 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
8 competency, the licensing agency may take action by any one of the following methods:

9 “(a) Revoking the licentiate’s certificate or license.

10 “(b) Suspending the licentiate’s right to practice.

11 “(c) Placing the licentiate on probation.

12 “(d) Taking such other action in relation to the licentiate as the licensing agency in its
13 discretion deems proper.

14 “The licensing agency shall not reinstate a revoked or suspended certificate or license until
15 it has received competent evidence of the absence or control of the condition which caused its
16 action and until it is satisfied that with due regard for the public health and safety the person’s
17 right to practice his or her profession may be safely reinstated.”

18 **CAUSE FOR DISCIPLINE**

19 **(Inability to Practice)**

20 7. Respondent Gordon E. Hanusek, M.D. is subject to disciplinary action under section
21 822 of the Code in that he is unable to engage in the practice medicine due to physical and mental
22 impairments as indicated by his treating physician, Dr. N.D.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Medical Board of California issue a decision:

26 1. Revoking or suspending Physician’s and Surgeon’s Certificate Number C 21915,
27 issued to Gordon E. Hanusek, M.D.;

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1 2. Revoking, suspending or denying approval of his authority to supervise physician
2 assistants and advanced practice nurses;

3 3. If placed on probation, ordering him to pay the Board the costs of probation
4 monitoring; and

5 4. Taking such other and further action as deemed necessary and proper.

6
7 DATED: October 17, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

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